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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,586	07/09/2002	Hidekazu Suzuki	2002-0384A	4888

513 7590 01/23/2007  
WENDEROTH, LIND & PONACK, L.L.P.  
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SUITE 800  
WASHINGTON, DC 20006-1021

EXAMINER
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TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2622

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/088,586

Applicant(s)

SUZUKI ET AL.

Examiner

Trang U. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 November 2006 and 12 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,11 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 01, 2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed Oct. 12, 2006 have been fully considered but they are not persuasive.

In re pages 4-5, applicants argue, with respect to claim 1, that claim 1 is patentable over Lucas, since claim 1 recites a signal transmitter including, in part, a signal multiplexing part operable to multiplex a time-base-compressed audio signal and a video signal by employing a control signal, and output a video/audio multiplexed signal and the control to a signal receiver, wherein the control signal indicates a position of the time-base-compressed audio signal and Lucas fails to disclose or suggest these features of claim 1 because Lucas discloses an encoder including a multiplexer 118.

In response, the examiner respectfully disagrees. It is noted that claim 1 recites "a signal multiplexing part". As stated in the last Office Action, the claimed signal multiplexing part is met by the multiplexer 118. Lucas discloses in col. 6, lines 25-38 that

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"The information transmitted in the VBI, synchronization, timing, and teletext, is represented in FIG. 4 by the arrow labeled "VBI." This information is generated in a conventional manner and delivered to multiplexer 118 at the MAC sampling frequency.

Multiplexer 118 receives four sets of signals, luminance, chrominance, audio, and synchronization, timing and teletext, all occurring at the MAC sampling frequency. Multiplexer 118 then combines these signals by selecting them **at the appropriate time for inclusion in the MAC video line**. After multiplexing, the signals are reconverted to analog in D/A converter 120, filtered in low-pass filter 122, and output as a MAC color television signal."

From the above passage, it is clear that the multiplexer 118 output the multiplexed audio and video signal and receives the timing signals such as 1365 fh and VBI as shown in Fig. 4. It is noted that the claimed control signal indicates a position of the time-base-compressed audio signal is anticipated by the timing signals 1365 fh and VBI. Since claim 1 recites **"a signal multiplexing part"** and that **the control signal is not multiplexed with the video and audio signal**, the claimed "a signal multiplexing part" is anticipated by the multiplexer 118 and the generators of 1365 fh and VBI of Fig. 4.

In re page 5, applicants argue, with respect to claim 2, that claim 2 is patentable over the Lucas, since claim 2 recites a signal transmitter including, in part, a control signal generator operable to receive a first multiplexing control signal and generate a second multiplexing control signal by delaying a certain clock of a first multiplexing control signal thereby providing a no-signal period between a time-base compressed audio signal and a video signal; and a signal multiplexing part operable to multiplex the time-base-compressed audio signal and the video signal by employing the second multiplexing control signal, and output a video/audio multiplexed signal via a data line

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because Lucas discloses clock circuitry for generating clock signal of various frequencies that are used by the encoder and decoder.

In response, the examiner respectfully disagrees. As discussed above with respect to claim 1 above, the multiplexer 118 multiplexes audio and video. There is a no-signal period between the compressed audio signal and the video signal at the output of the multiplexer 118. Since there is a no-signal period at the output of the multiplexer 118, the multiplexer 118 inherently delays the inputted clock signal having frequency of 1365 fh. Thus, Lucas inherently discloses the claimed delaying the first multiplexing control signal for a certain clock.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2 and 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Lucas (US 4,652,903).

In considering claim 1, Lucas discloses all the claimed subject matter, noted 1) the claimed time-base compression part operable to time-base-compress an audio signal employing a video sampling clock is met by the multiplexer 114 which compresses four channels of delta-modulated audio using 455 fH generated from a single master clock, which also is used for sampling the video signal (multiplexer 114 of Fig. 4 and Fig. 5, col. 6, lines 13-23 and lines 39-55), and 2) the claimed signal

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multiplexing part operable to multiplex the time-base-compressed audio signal and a video signal by, employing a control signal and output a video/audio multiplexed signal, and the control signal to the signal receiver, wherein the control signal indicate a position of the time-base-compressed audio signal is met by the multiplexer 118 receiving four sets of signals, luminance, chrominance, audio, and synchronization, timing and teletext to multiplex video, audio and teletext data based on VBI (multiplexer 118 of Fig. 4, col. 6, lines 25-38).

In considering claim 2, Lucas discloses all the claimed subject matter, noted 1) the claimed time-base compression part operable to time-base-compress an audio signal employing a video sampling clock is met by the multiplexer 114 which compresses four channels of delta-modulated audio using 455 fH generated from a single master clock, which also is used for sampling the video signal (multiplexer 114 of Fig. 4 and Fig. 5, col. 6, lines 13-23 and lines 39-55), 2) the claimed control signal generator operable to receive a first multiplexing control signal and generate a second multiplexing control signal by delaying a certain clock of the first multiplexing control signal thereby providing a no-signal period between the time-base compressed audio signal and a video signal is met by the circuitry of FIG. 5 generating MAC sampling frequency for the multiplexer 118 which combines the inputted signals by selecting them at the appropriate time for inclusion in the MAC video line (Fig. 5, col. 6, lines 30-55, noted: the selecting of the inputted signals of multiplexer 118 would provides no-signal period between the time-base compressed audio signal and a video signal), and 3) the claimed signal multiplexing part operable to multiplex the time-base-compressed audio

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signal and the video signal by, employing the second multiplexing control signal, and output a video/audio multiplexed signal via a data line is met by the multiplexer 118 receiving four sets of signals, luminance, chrominance, audio, and synchronization, timing and teletext to multiplex video, audio, and teletext data based on VBI (multiplexer 118 of Fig. 4, col. 6, lines 25-38).

In considering claim 11, the claimed wherein the control signal includes a horizontal synchronizing signal and a video synchronizing signal is met by the VBI disclosed in col. 6, lines 25-29 and shown in Fig. 4.

In considering claim 12, the claimed wherein the signal multiplexing part is operable to multiplex the time-base-compressed audio and the video signal when the control signal is a certain value is met by the multiplexer 118 combining the signals by selecting them at **the appropriate time** for inclusion in the MAC video line (multiplexer 118 of Fig. 4, col. 6, lines 25-38).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (571) 272-7358. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 20, 2007



Trang U. Tran  
Primary Examiner  
Art Unit 2622